

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING CONTINUED PROSECUTION APPLICATION UNDER RULE 53(d)  
--FOR DESIGN APPLICATION OR FOR 1st CPA AFTER MAY 29, 2000 IN UTILITY APPLICATION FILED BEFORE MAY 29, 2000--

Pursuant to 37 CFR 1.53(d), please file a

☒ continuation/☐ divisional

of the pending prior PATENT APPLICATION of:

Inventor: Jeffrey A. Heroux, et al

Serial No. 09/023,483

Filed: February 13, 1998

For: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

This request for filing under Rule 53(d) is made by the following named inventor(s) (using the above-identified title):

Inventor(s): Jeffrey A. Heroux, et al

☐ Please delete the following inventors in the CPA:

Deleted persons:

☐ A new oath/declaration is attached for any newly named inventor(s).

☐ Priority is hereby claimed under 35 USC 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

☐ certified copy(ies) of foreign application(s)  
attached or

☐ already filed on \_\_\_\_\_ in prior appln No. \_\_\_\_\_ filed \_\_\_\_\_

☐ already filed in \_\_\_\_\_ filed \_\_\_\_\_

☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 North Glebe Road, 8<sup>th</sup> Floor, Arlington, Virginia 22201.

☒ This application is entitled to "Small entity" status. ☐ "Small entity" statement attached.

☒ Please enter the previously unentered Rule 116 amendment filed on September 8, 2000.

☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	40 - 20 (at least 20) = 20	x \$ 18.00	\$ 360.00
Independent claims	15 - 3 (at least 3) = 12	x \$ 80.00	\$ 960.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)		\$	0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) \$110.00/1 month; \$390.00/2 months; \$890.00/3 months)

Less month extension previously paid on

**SUBTOTAL** \$ 2920.00

If "small entity," then enter half (1/2) of subtotal and subtract

**SECOND SUBTOTAL** \$ 1460.00

Assignment Recording Fee (\$40.00)

**TOTAL FEE ENCLOSED** \$ 1460.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
TEB:lfo

12/12/2000 SLUW61 00000115 09023483

01 FC:231  
02 FC:203  
03 FC:202  
04 FC:217

**NIXON & VANDERHYE P.C.**

By Atty: Thomas E. Byrne, Reg. No. 32,205

355.00 OP  
180.00 OP  
480.00 OP  
445.00 OFFER TEB

By 33363

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